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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,938	06/20/2001	Mikio Watanabe	0905-0262P	5230

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EXAMINER

PEYTON, TAMMARA R

ART UNIT PAPER NUMBER

2182

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/883,938

Applicant(s)

WATANABE ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29 and 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 09/014,383.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 29 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by *Ross et al.*, US 5,859,628.
2. As per claim 29, *Ross* teaches a charging apparatus for connecting to a communication apparatus (system, 400 for interacting with the automobile computer and connecting to a Global Positioning System, col. 9, lines 57-col. 10, lines 18), said communication apparatus performing data communication via a communication channel (PDA cradle, 104, Figs. 1, 3-5), said communication channel being used to make the connection between said charging apparatus and said communication apparatus, said communication channel including a communication line (Fig. 3,5) for data communication and a power supply line for supplying electric power (col. 4, lines 19-31), and said charging apparatus comprising a charging circuit for applying electric power, with which it is supplied

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through said power supply line via said communication channel, to a connector of a data processing unit (PDA, 102) driven by a battery (114, Fig.2) installed in said data processing unit, the data processing unit being formed to have said connector in order to input electric power for charging the battery (col. 5, lines 46-48), and said data processing unit being freely attachable and detachable to said connector of said charging apparatus. (Abstract, col. 2, lines 53-col. 11)

3. As per claims 34 and 38, *Ross* teaches a method of charging a battery (114, Fig.4) using a charging apparatus connected to a communication apparatus, which is capable of performing data communication via a communication channel, and using said communication channel to make a connection wherein:

said communication channel includes a communication line for data communication and a power supply line for supplying electric,

said method comprising the steps of:

applying electric power, supplied through said power supply line via said communication channel, to a connector of a data processing unit driven by a battery installed in said data processing unit,

forming the data processing unit to have said connector in order to input electric power for charging the battery, and

charging said battery by the electric power applied. (Abstract, col. 2, lines 53-col. 11)

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4. Ross teaches a charging apparatus in form of a PDA cradle that allows a PDA to be inserted in the cradle in order to exchange information with an onboard automobile computer and provide power for recharging the PDA. The PDA is freely attachable and detachable from the charging apparatus.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ross et al.*, US 5,859,628.

5. As per claims 35 and 39, Ross does not teach wherein the communication channel is a cable in accordance with IEEE 1394. Ross teaches wherein the communication channel is an IR data link communication channel standard. Ross also teaches providing a serial port between the PDA cradle and the vehicle's computer. One of ordinary skill would readily recognize that IEEE 1394 is a well-known communication standard. Therefore, it would not be out of the realm of Ross to establish a communication link between the PDA and the vehicle's computer using another well-known communication standard such as IEEE 1394. Doing so would add and expand the flexibility of Ross' system.

6. As per claim 36 and 40, *Ross* teaches a method of a monitoring circuit via an indicator lamp that show the state of the PDA rechargeable battery, in other words, one of ordinary skill would readily recognize that the indicator could be one color when charging and another color when the PDA is fully charged.

7. As per claims 37 and 41, *Ross* does not teach of the data processing circuit being a digital camera. However, *Ross* teaches that the cradle could receive a cellular telephone as well as a PDA. Therefore, it would have been obvious that a host of other data processing circuits could be received by *Ross*' cradle and not depart from the claim invention. Further, connecting a digital camera which detachably connects to a cradle which allows the camera to communicate with a computing apparatus is well known in the art, thereby, making use of this device obvious to one of ordinary skill.

### ***Response to Applicant's Arguments***

Applicant argues that the PDA cradle (charging apparatus) of *Ross* does not teach "a power line which is part of a communication channel connecting the charging circuit to a communication apparatus" and "the cradle is not connected to any other peripheral device", pg. 5. Applicant cited Fig. 1, col. 3, lines 24-30. Examiner disagrees with Applicant on those points. The cradle taught by *Ross*

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charges the battery of the PDA and the when the PDA is inserted in the cradle the PDA interacts with an onboard computer (col. 9, lines 57-col. 10, lines 18, Figs. 4 and 5, col. 5, lines 1-11). Applicant discloses a communication channel (50) including a signal line (52) and a power supply line (51) that as a whole provides power and data signals to a connected device. Examiner is taking the position that the cradle as a whole is part charging apparatus and part communication apparatus. The Office notes that what a reference can be said to fairly suggest relates to the concepts fairly contained therein, and is not limited by the specific structure chosen to illustrate such concepts. (see *In re Bascom*, 230 F.2d 612, 109 USPQ 98 (CCPA 1956)). Specifically, the cradle itself is a communication channel that supplies power to the PDA (via cradle connection 310) and a data interaction with an onboard computer (via cradle connection 316).

### ***Conclusion***

Applicant's arguments with respect to claims 29 and 34-41 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00

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from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

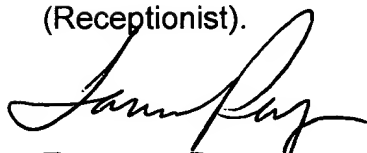
or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).



Tammara Peyton

June 1, 2004